

**ASSEMBLY BILL**

**No. 2812**

**Introduced by Assembly Member Pescetti**

February 25, 2002

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An act to amend Section 798.78 of the Civil Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2812, as introduced, Pescetti. Mobilehomes: foreclosure.

The existing Mobilehome Residency Law provides that if the heir, joint tenant, or personal representative of the estate of a deceased owner of a mobilehome does not satisfy the owner's responsibilities and liabilities to the management that accrue pursuant to the rental agreement in effect at the time of the death of the owner, the management shall have the right to require the removal of the mobilehome from the park.

This bill would instead provide that if the heir, joint tenant, or personal representative of the estate of a deceased owner of a mobilehome does not satisfy the owner's responsibilities and liabilities to the management that accrue pursuant to the rental agreement in effect at the time of the death of the owner or if there is no heir, joint tenant, or personal representative of the homeowner, the management may acquire a warehouseman's lien and foreclose upon the mobilehome after posting notice on the mobilehome, as specified, and providing notice by mail to the legal owner, each junior lienholder, and the registered owner of the mobilehome and after there is a failure to satisfy the responsibilities and liabilities of the deceased owner.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 798.78 of the Civil Code is amended to read:

798.78. (a) An heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome in the mobilehome park through the death of the owner of the mobilehome who was a homeowner at the time of his or her death shall have the right to sell the mobilehome to a third party in accordance with the provisions of this article, but only if all the homeowner's responsibilities and liabilities to the management regarding rent, utilities, and reasonable maintenance of the mobilehome and its premises which have arisen since the death of the homeowner have been satisfied as they have accrued pursuant to the rental agreement in effect at the time of the death of the homeowner up until the date the mobilehome is resold.

(b) ~~In the event that~~ If the heir, joint tenant, or personal representative of the estate does not satisfy the requirements of subdivision (a) with respect to the satisfaction of the homeowner's responsibilities and liabilities to the management which accrue pursuant to the rental agreement in effect at the time of the death of the homeowner, ~~the management shall have the right to require the removal of the mobilehome from the park or if there is no heir, joint tenant, or personal representative of the homeowner, the management shall provide at least 30 days' written notice of the responsibilities and liabilities that have accrued and remain unsatisfied pursuant to the rental agreement. The notice shall be served by posting a copy thereof on the mobilehome in a conspicuous location, and by United States mail, certified or registered with return receipt requested, addressed to the legal owner, each junior lienholder, and the registered owner of the subject mobilehome at their addresses as set forth in the registration card specified in Section 18091.5 of the Health and Safety Code. The notice shall specify the nature of each failure to satisfy the homeowner's responsibilities and liabilities to management pursuant to the rental agreement, and shall provide no less than 30 days for any heir, joint tenant, or personal representative of the estate of the homeowner, or any legal owner, junior lienholder, or registered owner of the mobilehome to satisfy the responsibilities and liabilities. If any heir, joint tenant,~~

1 *personal representative of the homeowner's estate, legal owner,*  
2 *junior lienholder, or registered owner fails to satisfy the deceased*  
3 *homeowner's responsibilities and liabilities within 30 days from*  
4 *the posting and mailing of the notice provided in this subdivision,*  
5 *the management of the mobilehome park shall have a*  
6 *warehouseman's lien against the mobilehome which may be*  
7 *foreclosed upon by the mobilehome park management as specified*  
8 *in subdivision (e) of Section 798.56a.*

9 (c) Prior to the sale of a mobilehome by an heir, joint tenant, or  
10 personal representative of the estate, that individual may replace  
11 the existing mobilehome with another mobilehome, either new or  
12 used, or repair the existing mobilehome so that the mobilehome to  
13 be sold complies with health and safety standards provided in  
14 Sections 18550, 18552, and 18605 of the Health and Safety Code,  
15 and the regulations established thereunder. ~~In the event~~ If the  
16 mobilehome is to be replaced, the replacement mobilehome shall  
17 also meet current standards of the park as contained in the park's  
18 most recent written requirements issued to prospective  
19 homeowners.

20 (d) ~~In the event~~ If the heir, joint tenant, or personal  
21 representative of the estate desires to establish a tenancy in the  
22 park, that individual shall comply with those provisions of this  
23 article which identify the requirements for a prospective purchaser  
24 of a mobilehome that remains in the park.

